

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
NOVEMBER 5, 2014**

Mary Davis called this meeting to order at 6:00 PM with the following in attendance:

MEMBERS:

Mary Davis, Chair
Sally MacKenzie, Secretary
Marcia Puc
Tracy DeBarber
Mark Bakstis
Lars Johnson, Alternate, Absent

OTHER:

James Stewart, Director of Public Works
Sue Goggin, Secretary
Public - 0

1. Mary Davis called this meeting to order at 6:00 P.M. She noted there was a quorum. She opened the meeting with the Pledge of Allegiance. She noted that there were boy scouts visiting their meeting as part of their citizenship badge requirement.
2. Executive session with Borough Attorney.
There was no executive session.
3. Public comment
There was no public comment.
4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

Mary said this item is postponed temporarily due to lack of staffing. They will keep this on the agenda.

B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto.

C. Commission discussion/decision of regulated activities associated with IW #13-07, Fulling Mill Brook Maintenance Project located within a watercourse and within a 100' Upland Review Area, adjacent to North Main Street; Applicant: Borough of Naugatuck

Neil Kalikowskas, Kleinfelder Engineering, said he reached out to Trout Unlimited and they asked him to reach out to the DEEP. The DEEP was unable to get out to the site. Mary said there were no alternatives for this project.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Marcia Puc to **APPROVE** IW #13-07, Fulling Mill Brook Maintenance Project located within a watercourse adjacent to North Main Street with the following conditions:

1. All general conditions of approval that are added on to every application.
2. A report from the DEEP fisheries be included in the construction,
3. Cement trucks do not wash tailings in the area on site.

D. Commission discussion regarding gabions to be installed by the Borough at Thurston Energy (IW #12-03) on Rubber Avenue.

5. **NEW BUSINESS**

A. Commission discussion/decision regarding special permit for proposed propane facility at 406 Rubber Avenue (IW #14-11), Applicant: Thurston Energy

Carl LeFevre, Thurston Energy, said they are proposing to dismantle their oil tanks and install a 30,000 gallon propane tank. Scott Meyers, P.E., L.S., Meyers Associates, explained what their plan is and showed the commission on a map. Jim Stewart asked if they are planning on paving. They are planning on gravel in the area of the tanks. Sally asked if the oil tanks are empty. Carl said they were cleaned out December 2013. Marcia asked how far they are from the brook. Scott said it is 25' from the brook to the oil tank and it will be about 100' to the new propane tank. Tracy asked why they are removing them. Scott explained that they fill their oil trucks from another location. It was determined that their taxes and fees were paid. Carl said he had met with the fire chief and they will be on site also. Mary asked why they are removing the dikes. Scott said they had been used as a secondary form of containment for the oil tanks and they are not needed for the propane. Mary wondered about contamination under the tanks. Carl said they don't anticipate any. Mary asked what measures they will take to control it. Carl said there will not be much disturbance. Scott said they will be installing two piers for the propane tank just below the frost level. He said the DEEP would be involved if there was any contamination under the tanks. Mark asked about the dikes and ground disturbance. Scott said all the dykes but the one that abuts the river will be removed. He said that acts as a retaining wall. He said they will only need to remove the dikes to grade. Tracy asked what they plan on using the area where they are removing the tanks for. Carl said they may use it for empty propane tank storage. Mark asked if it is a requirement for them to test the soil for contaminants. Carl said the fire marshal will do that if necessary. There was a discussion over contamination under the tanks. Jim Stewart said there is a project proposed in conjunction with the State to re-work that intersection including the signal light. He said they would be looking for a sidewalks and crosswalks to be installed, as well as catch basins and some sort of piping. He said they may still want the gabions installed, but not until the intersection is addressed. He would like to see the town get an easement for the sidewalk to be installed. The commission discussed whether the activity is significant or not. Carl explained that they have gotten three different methods for removing the oil tanks.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Sally MacKenzie that IW #14-11 Thurston Energy Propane Facility at 406 Rubber Avenue has been determined to be significant activity.

The commission set the public hearing for December 3, 2014 at 6:00 P.M. The commission set a site walk for November 19, 2014 at 4:00 P.M.

- B. Commission discussion/decision regarding release of the Sediment and Erosion Control Bond (IW #09-02) for property located on Woodcrest Drive and Florence Street, Applicant: Progressive Business Development

Jim Stewart read his report to the commission. He said the site is stabilized. He said the silt fences need to be removed, which the applicant said he would do. He recommended releasing the bond to the applicant. Mark recused himself due to his relationship with the applicant.

VOTED: 4-0-1 on a motion by Marcia Puc and seconded by Sally MacKenzie to RELEASE the remaining Soil & Erosion Control Bond for Woodcrest Drive (IW #09-02), Progressive Business Development.

FOR

Mary Davis
Sally MacKenzie
Marcia Puc
Tracy DeBarber

AGAINST

ABSTAIN

Mark Bakstis

- C. Commission discussion/decision regarding release of the Sediment and Erosion Control Bond (IW #12-01) for property located at 1177 New Haven Road, Applicant: Eric Huang

Sue said she and Wayne have visited the site and it is stabilized. The silt fences have been removed and they installed the wire behind the wood guard rail.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Tracy DeBarber to RELEASE the remaining Soil & Erosion Control Bond for 1177 New Haven Road (IW #12-01).

- D. Commission discussion/decision regarding proposed garage within the 100' Upland Review Area at 7 Margaret Circle (IW #14-13), Applicant: Lynne Milazzo

Sue said the fees and taxes have been paid. Mary said there is no driveway shown on the map. Mrs. Milazzo said they can show the driveway. Mary said they are within the 50' and 100' buffer. She said they are also in a flood plain. Tracy said they may be required to get flood insurance on that structure because they are in a flood plain. She asked how they will get to the garage from their house. Mrs. Milazzo said they walk on the road. She clarified that they will be storing a car in it. She said there will be no disturbance to the ground. She said it is built off-site and brought to them in two pieces. She also said it has a sealed waterproof floor. Mary said they are concerned with parking vehicles that close to a flood plain. Mrs. Milazzo said the former owner said the brook never overflowed. There was a discussion over what is needed on the map. Mary explained what would be needed on the map. There was a discussion over re-submitting the application and any associated fees. Mrs. Milazzo withdrew her application.

- E. Additional items require a 2/3 vote of the Commission.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Tracy DeBarber to **ADD** Anderson Mills to the agenda for discussion.

Mary explained the letters she received from Tom Sullivan who lives at 122 Field Street. In his letter he felt very sure that there was a vernal pool on the Anderson Mills property. Mary discussed the approvals that the project has received. The wetlands approvals are still valid. The zoning commission has been made aware of the concerns. Sue said the soil scientist who did the original study looked at the site again as well as took soil samples and determined that there is not a vernal pool. Mary read the report from Thomas Pietras, the soils scientist. She feels that nothing more can be done and that the wetlands commission's hands are tied. She said if Mr. Sullivan wishes to hire a soil scientist, he would have to do so himself. Mary read the definition of vernal pool. The commission would like Attorney Hess to let them know if they can send a memo to the zoning commission expressing their concern over a possible vernal pool. They would also like to know if they can send a memo to planning as well as zoning requesting that the wetlands markings be re-flagged before any development begins.

6. **CORRESPONDENCE**

- A. Correspondence regarding possible vernal pool at Anderson Mills Subdivision.

There was no further discussion on this item.

7. **WEO REPORT**

- A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Sue said currently there are no citation hearing officers. They will need to be appointed. She said that Autohaus is in violation of the building codes. The building inspector said that everything he had was sent over to Attorney Fitzpatrick. There is not much that can be done at this point. There was a discussion over the most recent letters that were sent to Autohaus. There was a discussion about what can be done. Sue will ask Attorney Fitzpatrick for an update.

- B. Dmuchowski Property, 45 High Street

Wayne and Sue visited the property and it is filled up with leaves and silt again. It is still bank-owned. Sue and Wayne will send a letter to the bank that they need to clean it out.

- C. Naugatuck HS Renovation (IW#12-04)

The water testing is scheduled to be done again in November.

D. 1177 New Haven Road (IW#12-01)

This item can come off the agenda.

E. Chemical spraying of brush by street department.

There was a discussion over the spraying and reviewing the maps with Jim Stewart. Marcia said she could help drive around and mark the map. Mark expressed concern of the chemicals going into the catch basins and ultimately into the watercourses. The commission discussed going to the next Borough Board meeting or writing them a letter about their disapproval of the chemical spraying.

8. **Review/Approval** of October 1, 2014 Regular Meeting Minutes and the September 24, 2014 Site Walk Minutes.

VOTED: 4-0-1 on a motion by Marcia Puc and seconded by Sally MacKenzie to **APPROVE** the September 24, 2014 Site Walk Minutes.

FOR

Mary Davis
Sally MacKenzie
Marcia Puc
Mark Bakstis

AGAINST

ABSTAIN

Tracy DeBarber

VOTED: Unanimously on a motion by Marcia Puc and seconded by Sally MacKenzie to **APPROVE** the October 1, 2014 Regular Meeting Minutes with changes noted.

9. **ADMINISTRATIVE BUSINESS**

A. Review approval of 2015 Inland Wetlands Commission Regular Meeting Dates

The commission changed the April meeting from the 1st to the 8th. The commission approved the 2015 meeting schedule with the noted change.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **ADJOURN** the meeting at 8:00 P.M.

Respectfully Submitted,
Sally MacKenzie, Secretary /sg